

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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UNITED STATES OF AMERICA, :  
v. :  
Plaintiff, :  
FAHIM MUHAMMED, :  
Defendant. :  
:

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**Chesler, U.S.D.J.**

This matter comes before the Court on the following two motions filed by *pro se* Defendant Fahim Muhammed: (i) “to amend judgment, pursuant to Rule 59(e) [of the] Federal Rules of Civil Procedure of Opinion & Order Denying Movant’s Motion for Reduction [o]f Imprisonment under 18 U.S.C. § 3582(c)(2)” [docket item 27]; and (ii) “for correction of record and/or judgment arising from oversight, pursuant to Rule 36 [of the] Federal Rules of Criminal Procedure,” [docket item 23]; and the Court having considered the parties’ written submissions in support of and in opposition to the motions; and for the reasons expressed in the Opinion filed herewith; and for good cause shown,

**IT IS** on this 26th day of August 2008,

**ORDERED** that Defendant’s motion to amend judgment pursuant to Rule 59 of the Federal Rules of Civil Procedure is denied [docket item 27]; and it is further

**ORDERED** that Defendant’s motion for correction of the record pursuant to Rule 36 of the Federal Rules of Criminal Procedure is granted to the extent that the statement in

the May 12, 2008 Opinion & Order of this Court that “the sentencing judge acknowledged that application of the amended guidelines would violate the *ex post facto* clause of the United States Constitution,” is hereby stricken [docket item 23]; and it is further

**ORDERED** that Defendant’s motion for correction of the record pursuant to Rule 36 of the Federal Rules of Criminal Procedure is in all other respects denied [docket item 23].

s/ Stanley R. Chesler  
STANLEY R. CHESLER  
United States District Judge